

c. Amendments to the Drawings

None

e. Remarks

REQUEST UNDER 37 CFR 1.63(d)(2)

On Dec. 12, 2003, a statement was filed requesting deletion of Nils G. Weimann as an inventor in this continuation application. Applicants renew the Request, because the deletion of Nils G. Weimann as an inventor has not been made.

SUPPLEMENTAL DECLARATION UNDER 37 CFR 1.67

Since the preliminary amendment added apparatus claims and the parent application did not have apparatus claims, a Supplemental Declaration is being submitted under 37 CFR 1.67. The Supplemental Declaration specifically references the preliminary amendment.

REJECTIONS UNDER 35 U.S.C. § 102

At page 2, the Office Action rejects claims 1 – 3, 5 – 7, and 9 – 13 over U.S. Patent 6,225,650 of Tadatomo et al (Herein, referred to as Tadatomo.).

Claim 1 recites:

a convex region of the first surface being in contact with the top surface, a plurality of lattice defects having first ends on the region, ...
each defect ... having a second end covered by a different one of the dielectric regions[.]

In the pending application, Figure 9 illustrates these features. There, three lattice defects (126) have first ends in a convex region, i.e., where a line segment connects each point pair, of the bottom surface of semiconductor layer (122) and have second ends covered by different dielectric regions (132) on the upper surface of semiconductor layer (122).

At Fig. 4 and col. 5, lines 27-30, Tadatomo does not disclose that second ends of defects from one convex region of the bottom surface of semiconductor layer (3) are covered by different dielectric regions (21) on the upper surface of the semiconductor layer (3).

Thus, Tadatomo does not anticipate amended claim 1.

Without a disclosure of the usefulness of different dielectric regions covering second ends of defects whose first ends originate in one convex region of the lower surface of a layer, such a feature would also not be obvious.

Dependent claims 2– 3, 5 – 7, and 9 – 13 are novel and non-obvious, at least, by their dependence on novel and non-obvious amended claim 1.

REJECTIONS UNDER 35 U.S.C. § 103

At page 3, the Office Action rejects claims 4 and 8 as obvious based on Tadatomo and US Patent 6,784,463 (Herein, referred to as Camras.).

Dependent claims 4 and 8 are non-obvious, at least, by their dependence on non-obvious base claim 1.

CONCLUSION

Applicants request allowance of claims 1 – 13 as currently pending.

NO FEE IS REQUIRED.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Lucent Technologies Deposit Account No. 12-2325** as required to correct the error.

Respectfully,



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Docket Administrator (Room 3J-219)
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